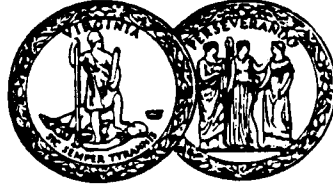


COMMONWEALTH OF VIRGINIA
VIRGINIA EMPLOYMENT COMMISSION



DECISION OF COMMISSION

In the Matter of

Myrtis H. Mayhew, Claimant
████████████████████

Capitol Concrete Rental Corp.
Norfolk, Virginia

Employer

Date of Appeal

To Commission: February 17, 1973

Date of Hearing: March 7, 1973

Decision No.: 5909 -C

Date of Decision: March 12, 1973

Place: Richmond, Virginia

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This is a matter before the Commission on appeal by the claimant from the decision of the Examiner (No. UI-73-91) dated February 6, 1973.

ISSUE

Did the claimant leave work voluntarily, without good cause within the meaning of § 60.1-58 (c) of the Code of Virginia (1950), as amended?

FINDINGS OF FACT

Capitol Concrete Rental Corporation, Norfolk, Virginia, was the claimant's last employer for whom she worked as a bookkeeper and office manager from 1958 through December 4, 1972. When she began work as a bookkeeper in 1958, her starting salary was \$95 per week.

The employer indicated that due to a decline in business during the winter months, it was necessary to reduce the office staff and cut salaries of those who remained. The claimant was advised that her salary would be cut from \$175 per week to \$120 per week. The claimant advised the president that she would not accept a cut in pay but would work part time at \$50 per day. Since the claimant was unwilling to continue working at the reduced salary, it was necessary to replace her.

The claimant stated that after she told the president that she would not take a cut in pay, he later told her one day that her replacement would be in at

11 o'clock. When the president's wife came in at 11 o'clock and sat down at her desk, the claimant assumed that she had been laid off.

An employment service representative testified that the prevailing starting wage for similar work in the area was \$120 per week.

OPINION

Section 60.1-58 (a) of the Virginia Unemployment Compensation Act provides for a disqualification if it is found that the claimant left work voluntarily, without good cause.

The facts, as presented by the employer, state that the employer wanted to reduce the claimant's weekly salary from \$175 to \$120. This amounts to a reduction of over 31 percent.

Previously the Commission has held that a salary reduction of approximately 33 1/3 percent constituted good cause for a claimant to leave work. (See Decision of Examiner No. UCV-207-207 dated May 17, 1955.) The Commission, therefore, is of the opinion that the salary reduction of 31 percent would also present the claimant with good cause to leave her employment.

Although the employment service representative has testified that \$120 per week was the prevailing starting wage for similar work in the area, we do not think this is the correct yardstick by which to measure this situation. One hundred and twenty dollars per week is the prevailing starting wage for experienced bookkeepers. Certainly, it would not be the prevailing wage for a bookkeeper who has been employed for 14 years and who started in 1958 at a weekly wage of \$95.

Therefore, the Commission must conclude that the claimant, in light of a 31 percent reduction in salary, had good cause for leaving her employment.

DECISION

The decision of the Appeals Examiner disqualifying the claimant effective December 10, 1972, for having left work voluntarily, without good cause, is hereby reversed. The Deputy is instructed to determine the claimant's eligibility for the weeks claimed.


B. Redwood Councill
Assistant Commissioner